

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

**DAYTON BROWN,**

**PLAINTIFF,**

**V.**

**CIVIL ACTION NO.**

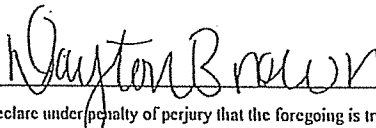
**STERLING RESTAURANTS, LLC  
d/b/a Moe's Southwest Grill,**

**DEFENDANT.**

**JURY TRIAL DEMANDED**

**COMPLAINT**

**EXHIBIT A**

<b>CHARGE OF DISCRIMINATION</b> <small>This form is affected by the Privacy Act of 1974; See Privacy Act Statement before completing this form.</small>		AGENCY  FEPA  X EEOC	CHARGE NUMBER  420-2016-03008
_____ and EEOC <small>State or local Agency, if any</small>			
NAME (Indicate Mr., Ms., Mrs.) Ms. Dayton Brown		HOME TELEPHONE (Include Area Code) [REDACTED]	
STREET ADDRESS [REDACTED]		CITY, STATE AND ZIP CODE [REDACTED]	
DATE OF BIRTH [REDACTED]			
NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME (If more than one list below.)			
NAME Sterling Restaurants, LLC d/b/a Moe's Southwest Grill		NUMBER OF EMPLOYEES, MEMBERS Over 15	TELEPHONE (Include Area Code) (205) 445-0456
STREET ADDRESS 2737 US-280, Mountain Brook, AL 35223		COUNTY Jefferson	
NAME  		TELEPHONE NUMBER (Include Area Code)	
STREET ADDRESS  		COUNTY	
CAUSE OF DISCRIMINATION BASED ON (Check appropriate box(es))  RACE                      COLOR <b>XX SEX</b> HARASSMENT  RELIGION                      NATIONAL ORIGIN <b>XX RETALIATION</b>  AGE                      DISABILITY  OTHER (Specify)		DATE FIRST or CONTINUING DISCRIMINATION TOOK PLACE AND DATE LAST DISCRIMINATION TOOK PLACE (Month/Day/Year):  FIRST:  LAST: 05/04/16  <div style="border: 1px solid black; padding: 5px; text-align: center;"> <b>RECEIVED</b>   <b>JUL 28 2016</b>   <b>E.E.O.C.</b>  <b>BIRMINGHAM DISTRICT</b> </div>	
<b>THE PARTICULARS ARE (If additional space is needed, attach extra sheet(s):          Please see following page for particulars, attached hereto and made a part hereof.</b>			
I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or telephone number and cooperate fully with them in the processing of my charge in accordance with their procedures.  		<b>NOTARY</b> - (When necessary for State and Local Requirements) <div style="border: 1px solid black; padding: 5px; text-align: center;"> <b>RECEIVED</b>   <b>JUL 28 2016</b> </div>	
I declare under penalty of perjury that the foregoing is true and correct.  <b>DAYTON BROWN</b> Charging Party (Signature)  Date: 07-26-2016		Notary signature  U.S. EEOC Birmingham District Office <b>SIGNATURE OF COMPLAINANT</b>  <b>SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (Day, month, and year)</b> Date: _____	

## EEOC Charge of DAYTON BROWN

1. I commenced my employment with Respondent on or about August 11, 2014.
2. Over the course of my employment, Respondent promoted me to the position of Shift Manager.
3. During February 2016, Respondent hired Scotty L. Williams as an employee to work in Respondent's Mountain Brook location that is right off of Highway 280 in Mountain Brook, Alabama.
4. Shortly after Respondent hired Williams, Williams commenced and created a sexually hostile environment that was unwelcome and repeatedly interfered with my ability to perform my job duties.
5. Williams propositioned me to have sex with him on several occasions. Williams stated that he would provide me with better sexual pleasure than could my husband. Williams also made comments about the size of his genitalia. Williams made comments like I would "fuck the shit out of you" and "I will bend you over right here." Williams direct sexually inappropriate comments to me on a daily basis.
6. In March of 2016, I went outside of the restaurant to the shed in the rear of the building to locate the store's plunger to tend to a problem in the women's restroom. Williams followed behind me and stated that he was going to "help [me] find it." As I was bending over to move a few boxes around to find the plunger, Williams pressed his body extremely close to mine, wrapped his arms around me and put his hands on my vaginal area. I quickly turned around, but Williams was right in my face as he was attempting to kiss me. I was able to get away from Williams and I returned inside the building.
7. Through text message, I initiated communication with Respondent's Area Manager, Calum Naugher to report Mr. Williams' behavior and the assault. A day after my text message to Naugher, he spoke to me over the telephone and I fully reported all of the sexual harassment that Williams had committed.
8. The following week, Naugher allegedly went to the store and talked to the man who assaulted me.
9. Naugher never spoke to me after I reported the sexual hostile environment, and I always had to contact Naugher to learn any information.
10. After my complaint of sexual harassment to Naugher, Respondent's General Manager, Kevin Gast created a hostile work environment in retaliation for reporting the sexual hostile environment that he failed to prevent from happening. Gast did everything he could to second-guess all of my performance in an effort to terminate my employment or have me resign.
11. I asked Naugher for a transfer to a different store.
12. On May 4, 2016, Respondent terminated my employment. Gast stated that I had improperly made salsa. I informed Gast that I had followed the store's recipe. Gast then terminated my employment for allegedly arguing with him about the salsa's quality. Gast has never disciplined other employees for failure to follow a recipe.

EEOC Charge of DAYTON BROWN

13. I believe that I have been discriminated against in the terms and conditions of my employment because I am a female that was exposed to a sexually environment for which I reported to Respondent and resulted in a retaliatory hostile work environment and eventual retaliatory termination, all in violation of the Civil Rights Act of 1964 as amended.

I declare under penalty of perjury that the foregoing is true and correct.

07-26-2016

Date

Dayton Brown

DAYTON BROWN